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SEP -5 2003

Paper No. 14

In re Application of :
Craig S. Aman : DECISION ON PETITION
Application No. 09/739,357 :
Filed: December 19, 2000 :
Attorney Docket No. 10003506 :

This is a decision on the petition filed on August 11, 2003 by which petitioner requests withdrawal of the holding that this application stands abandoned for failure to file a timely and proper reply to the Office letter dated November 27, 2002. No fee is required for this petition.

The petition is granted.

Petitioner alleges that the application is not abandoned because a timely and proper reply in the form of a Request for Continued Examination (RCE) was in fact filed in response to the Office letter in question. In support of this allegation, petitioner has furnished a copy of the RCE, which includes authorization to charge of all required fees against Deposit Account No. 14-1270. This form has affixed thereto a 37 CFR 1.8(a) certificate of facsimile transmission dated February 21, 2003. Petitioner has also provided a copy of a receipt showing that the RCE was received in the Office on February 21, 2003.

Based upon the evidence, it is clear that this application is not abandoned. Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner to charge Deposit Account No. 14-1270 in the amount of the RCE fee. No extension fee is required. In addition, paper No. 11 must be processed and entered into PALM. The application will then be forwarded to the examiner for appropriate action.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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